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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,840	03/10/2004	Leo M. Pedlow JR.	SNY-T5715.02	6433
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EXAMINER				
STANLEY, MARK P				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/797,840

Applicant(s)

PEDLOW ET AL.

Examiner

MARK P. STANLEY

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19, 21-26, 28-32 and 34-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19, 21-26, 28-32 and 34-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to the amendment filed on 3/4/2008.
2. Claims 1-19, 21-26, 28-32, and 34-40 are pending in the application. Claims 20, 27, and 33 have been canceled. Claims 20, 27, and 33 have been amended. Claims 38-40 have been newly added.

Response to Arguments

3. Applicant's arguments filed 3/4/2008 with respect to claims 1-19, 21-26, 28-32, and 34-40 have been considered but are not persuasive.

Applicant argues Fangman does not use DHCP Option 43 to define the scope as being the assigned number of possible terminals in a subscriber site. Examiner respectfully disagrees, Option 43 is used to assign unique port ranges to DHCP clients, IP address, and NAT addresses (see Fangman [0144]-[0148]), where for instance the number of assigned IP addresses are defining the number of terminals within a subscriber site and thus defining a scope for the given site (Figs 3A-B, Fig. 8A where a subscriber site is a group of phones within a local home network at a customer premises).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which

said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-19, 21-26, 28-32, and 34-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arnold et al. (US 2005/01808769 A1 hereinafter Arnold) in view of Fangman et al. (US 2002/0150083 A1 hereinafter Fangman) and Chakraborty (US 7,164,676 B1 hereinafter Chakraborty)

Regarding claims 1, 19, 26 and 32, Arnold discloses configuring a terminal at a subscriber site ([0138]-[0140], Fig. 10, Fig. 15, item 1001 the network, items 1002-1005 the terminals) using DHCP (see Arnold [0084]-[0086], Fig. 7 item 750 the DHCP server is used with the DHCP clients of the DVRs,) where each terminal in the sub-domain being the home network goes through a discovery process ([0140] the DVR terminals discover their peers within the home network).

But, while Arnold states using DHCP and synchronizing actions along with transferring content and data between the connected terminals within a home network ([0110], [0113]-[0114]), Arnold does not explicitly state using the DHCP options 43, 15, and 12 and "for at least one terminal identified in the discovery process, synchronizing a database with a database of the identified terminal".

However, Fangman discloses the using DHCP with options 43 to define the vendor specific info ([0144]), option 15 to define the domain name ([0119]), and option 12 to define the host name ([0120]) within a communications network involving multiple devices and a private network. Where the client attempts discovery within the scope defined by option 43 ([0280], Fig 5A, item 506). And

Chakraborty discloses synchronizing a transactional database in a communications network (col. 3, lines 22-26), where during an initial or boot phase of the secondary device and connection to the primary device, the database of the secondary device receives a bulk update followed by transactional updates converging to a transactional model (col. 3, lines 33-39).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Arnold for a home entertainment network using DHCP to provision and discover terminals Fangman using DHCP options 43, 15, and 12 for a configuration in a home network of devices within a communications network and with teachings of Chakraborty subsequently synchronizing a transactional database in a communications network of with an identified terminal. One would have been motivated to do so for improving synchronization within a home entertainment network by using established DHCP options 43, 15, and 12 for provisioning and discovery where after discovery a terminal may synchronize a transactional database to another terminal within the subscriber site.

Regarding claim 2, Arnold, Fangman and Chakraborty further disclose “the method according to claim 1, wherein the synchronizing comprises synchronizing to an identified terminal having a database carrying a most recent time stamp” (OFFICIAL NOTICE is taken synchronizing a database to one with the most recent time stamp was well known in the art and would have been

obvious to try as a synchronizing to the most recently updated and modified database available rather than a older out of date database)

Regarding claim 3, Arnold, Fangman and Chakraborty further disclose "the method according to claim 1, wherein the synchronizing comprises synchronizing to an identified terminal having either a lowest or highest ordered identifier" (see Arnold [0138]-[0140], a single terminal is identified as a main source of data transfer within the home network).

Regarding claim 4, the claimed limitations have been analyzed and rejected for the same rationale as stated in claim 1 above.

Regarding claim 5, Arnold, Fangman and Chakraborty further disclose "the method according to claim 1, further comprising determining that a re-discovery time has arrived and repeating the carrying out the discovery process and the synchronizing" (see Fangman [0284], Fig. 5A, item 538 after a period of time before reissuing the DHCP discovery process, see Chakraborty col. 3, lines 43-48 resynchronization of databases in response to a command).

Regarding claims 6-8, Arnold discloses the use of a certificate list of valid identified terminals within the home network created at the service center and

Art Unit: 2623

distributed to the terminals within the home network via the internet where the terminals use the list to discover their peers within the home network (see Arnold [0138]-[140], [0156]-[0159], Fig. 12). But, Arnold does not explicitly state the terminal itself within the network being able to generate this list during the DHCP discovery process.

However, Fangman discloses the use of DHCP discovery process where the terminal will not receive a DHCP offer unless it is a valid terminal within a stored MAC ID list ([0284]-[0285], where the MAC ID list would be generated during the DHCP process, Official Notice is taken that it would have been obvious to limit the number of attempts on issuing rediscovery before being labeled as inactive for reducing resources that would be allocated for continuous unending attempts which would unlikely yield a positive result after a set amount of attempts).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to implement the home entertainment network using DHCP with a distributed certificate list of valid terminals to each terminal within the network for discovery of peers of Arnold with the DHCP discovery process of Fangman using a generated list of valid MAC ID for determination of valid terminals, where one would have been motivated to do so for an improved discovery process of terminals within the home network via use of a MAC ID list to track valid terminals.

Regarding claims 9-10, the claimed limitations have been analyzed and rejected for the same rationale as stated in claims 1-8 above.

Regarding claim 11, The claimed limitations have been analyzed and rejected for the same rationale as stated in claims 1-8 above, where the apparatus performs the method of claims 1-8.

Regarding claim 12, the claimed limitations have been analyzed and rejected for the same rationale as stated in claim 2 above, where the apparatus performs the method of claim 2.

Regarding claim 13, the claimed limitations have been analyzed and rejected for the same rationale as stated in claim 3 above, where the apparatus performs the method of claim 3.

Regarding claim 14, the claimed limitations have been analyzed and rejected for the same rationale as stated in claim 4 above, where the apparatus performs the method of claim 4.

Regarding claim 15, the claimed limitations have been analyzed and rejected for the same rationale as stated in claim 5 above, where the apparatus performs the method of claim 5.

Regarding claim 16, the claimed limitations have been analyzed and rejected for the same rationale as stated in claim 6 above, where the apparatus performs the method of claim 6.

Regarding claim 17, the claimed limitations have been analyzed and rejected for the same rationale as stated in claim 7 above, where the apparatus performs the method of claim 7.

Regarding claim 18, the claimed limitations have been analyzed and rejected for the same rationale as stated in claim 8 above, where the apparatus performs the method of claim 8.

Regarding claim 21, the claimed limitations have been analyzed and rejected for the same rationale as stated in claim 2 above.

Regarding claim 22, the claimed limitations have been analyzed and rejected for the same rationale as stated in claim 3 above.

Regarding claim 23, the claimed limitations have been analyzed and rejected for the same rationale as stated in claim 5 above.

Regarding claim 24, the claimed limitations have been analyzed and rejected for the same rationale as stated in claim 7 above.

Regarding claim 25, Arnold, Fangman and Chakraborty further disclose “the home entertainment network terminal according to claim 19, wherein the terminal comprises a television set-top box” (see Arnold Fig. 10, items 1003-1005 are DVR boxes where they include the functionality of a set-top, see Chakraborty [0412]).

Regarding claim 28, the claimed limitations have been analyzed and rejected for the same rationale as stated in claim 2 above, where the computer readable storage medium storing instructions when executed performs the method of claim 2.

Regarding claim 29, the claimed limitations have been analyzed and rejected for the same rationale as stated in claim 3 above, where the computer

Art Unit: 2623

readable storage medium storing instructions when executed performs the method of claim 3.

Regarding claim 30, the claimed limitations have been analyzed and rejected for the same rationale as stated in claim 5 above, where the computer readable storage medium storing instructions when executed performs the method of claim 5.

Regarding claim 31, the claimed limitations have been analyzed and rejected for the same rationale as stated in claim 7 above, where the computer readable storage medium storing instructions when executed performs the method of claim 7.

Regarding claim 34, the claimed limitations have been analyzed and rejected for the same rationale as stated in claim 2 above.

Regarding claim 35, the claimed limitations have been analyzed and rejected for the same rationale as stated in claim 3 above.

Regarding claim 36, the claimed limitations have been analyzed and rejected for the same rationale as stated in claim 5 above.

Regarding claim 37, the claimed limitations have been analyzed and rejected for the same rationale as stated in claim 7 above.

Regarding claims 38-40, Arnold, Fangman and Chakraborty further disclose the use of a television set-top box (see Arnold [0036], Fig. 1 item 110, the use of a digital video recorder)

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Contacts

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARK P. STANLEY whose telephone number is (571)270-3757. The examiner can normally be reached on 8:00AM - 5:00PM Mon-Fri EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark P Stanley/
Examiner, Art Unit 2623

/Scott Beliveau/
Supervisory Patent Examiner, Art Unit 2623